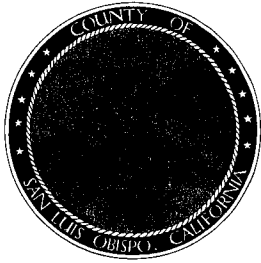


6-1



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

TO: Planning Commission

FROM: Warren Hoag, Division Manager - Current Planning *WH*  
Kami Griffin, Supervising Planner - Current Planning *KG*

DATE: October 26, 2005

SUBJECT: Consideration of possible letter to the Board of Supervisors on the Residential Rural land use category designation on the North Nipomo Mesa area

## BACKGROUND

On August 25, 2005, your Commission heard a request for division of an existing 34.31 acre site located on the northeast corner of Willow Road and Albert Way (Tract 2645 - Chappell). This property is designated Residential Rural and the request was to divide the property consistent with the designation. Your Commission ultimately took action to deny the map due to the proximity of existing agriculture in the area and the past use of the site for agriculture.

At that hearing, you also asked that staff schedule a discussion for today's agenda on the preparation of a possible letter to the Board of Supervisors from the Planning Commission expressing your concern over the designation of the North Nipomo Mesa area with the Residential Rural land use category.

## DISCUSSION

The Nipomo Mesa area was originally designated with the Rural Lands land use category at the time of adoption of the Land Use Element/Land Use Ordinance in 1980. In the mid-eighties, a General Plan Amendment was processed that changed this area from Rural Lands to Residential Rural. The significance of this change specifically relates to the possibility for subdivision. The lowest minimum parcel size in the Rural Lands land use category is 20 acres. The lowest minimum parcel size in the Residential Rural land use category is 5 acres.

## OPTIONS

1. Your Commission could choose to prepare a letter to the Board, asking that they consider authorizing an amendment to the General Plan that would change the land use category back to Rural Lands or to Agriculture.
2. In addition, your Commission, as part of discussions of land divisions in other areas of the county outside of urban and village reserve lines, has raised concerns about rural land divisions in general. Your Commission could also choose to prepare a letter to the Board asking for policy direction relative to land divisions in the rural areas of the county. This could include the Nipomo Mesa (those areas outside of the Nipomo urban area, and the village areas of Woodlands, Black Lake, Palo Mesa, Callendar-Garrett, and Los Berros), as well as other areas of the county designated Residential Rural.

## RECOMMENDATION

Please provide direction to staff on the preparation of letter(s) to the Board of Supervisors on these issues.

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# LEGEND

## LAND USE CATEGORIES

|     |                             |
|-----|-----------------------------|
| AG  | Agriculture                 |
| RL  | Rural Lands                 |
| REC | Recreation                  |
| RR  | Residential Rural           |
| RS  | Residential Suburban        |
| RSF | Residential Single Family   |
| RMF | Residential Multiple Family |
| O/P | Office & Professional       |
| CR  | Commercial Retail           |
| CS  | Commercial Service          |
| IND | Industrial                  |
| PF  | Public Facilities           |
| OS  | Open Space                  |

## BOUNDARIES

|                            |
|----------------------------|
| Urban Reserve Line (URL)   |
| Urban Service Line (USL)   |
| Village Reserve Line (VRL) |
| Planning Area              |
| Central Business District  |

## SCALE



NOTE: This map is for reference purposes only. Official maps showing precise property lines and land use category boundaries are on file in the Planning Department.

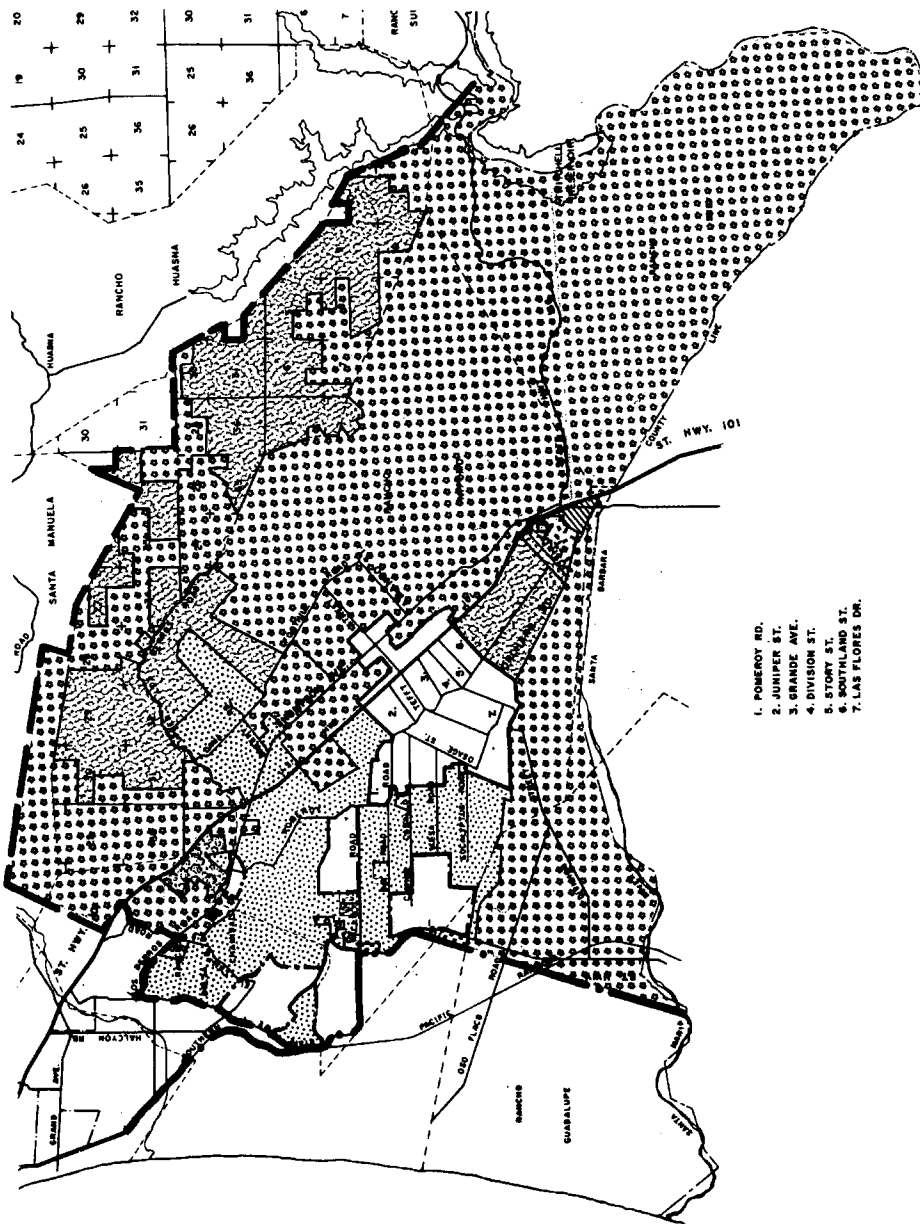
## SOUTH COUNTY - Rural

## LAND USE CATEGORIES

Revised 5-2-02

Map 1

San Luis Obispo County Department of Planning and Building



## AGRICULTURE

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### Purpose

- a. To recognize and retain commercial agriculture as a desirable land use and as a major segment of the county's economic base.
- b. To designate areas where agriculture is the primary land use with all other uses being secondary, in direct support of agriculture.
- c. To designate areas where a combination of soil types, topography, water supply, existing parcel sizes and good management practices will result in the protection of agricultural land for agricultural uses, including the production of food and fiber.
- d. To designate areas where rural residential uses that are not related to agriculture would find agricultural activities a nuisance, or be incompatible.
- e. To protect the agricultural basis of the county economy and encourage the open space values of agriculture to continue agricultural uses, including the production of food and fiber.
- f. To recognize that agricultural activities on a small scale can supplement income from other sources, particularly where older subdivisions have resulted in parcels smaller than would currently qualify for new subdivisions within the parcel size range for the Agriculture category.
- g. Support conversion of agricultural lands to other uses only when such conversion would be appropriate or because the continuing agricultural productivity of a specific site is infeasible, considering the factors in purpose statement C, above.
- h. To give high priority to the protection of commercial prime and nonprime agricultural soils where the commercial viability, siting (whether inside or outside urban reserve lines), and natural resources allow for agricultural uses, including the production of food and fiber.

### Character

- a. Areas of prime agricultural soils, and other productive and potentially productive lands located inside and outside of urban and village reserve lines where land use conflicts with other adjacent uses can be mitigated.
- b. Areas for agricultural processing and its support services.
- c. Areas where the residential uses allowed are for property owners or employees actively engaged in agricultural production on the same property.
- d. All lands previously designated as agricultural preserve, whether or not under contract, according to the adopted agricultural preserve rules of procedure.
- e. Lands that may be eligible for agricultural preserve if the rules of procedure are satisfied.
- f. Areas where existing land uses are mainly truck crops, specialty crops, row and field crops, irrigated crops and pasture, irrigated vineyards and orchards, dry farm orchards and vineyards, dry farm and grain, grazing and rangeland.
- g. Areas where parcel sizes and ownership patterns are sufficiently large to make agricultural operations economically viable, given other features such as soil types, water supply, topography and commercial potential through optimum management.
- h. Areas with an existing pattern of smaller parcels that cannot support self-sustaining agricultural operations, but where physical factors of soil, water supply and topography would support agricultural production.

## **RURAL LANDS**

### **Purpose**

- a. To encourage rural development at very low densities that maximizes preservation of open space, watershed and wildlife habitat areas.
- b. To retain large parcel sizes where rural residences may be established on lands having open space value but limited agricultural potential.
- c. To maintain low population densities in rural areas outside of urban and village reserve lines where an open and natural countryside with very low development intensity is preferred.
- d. To establish areas where non-agricultural activities are the primary use of the land, but where agriculture and compatible uses may co-exist.

### **Character**

- a. Areas outside urban and village reserve lines that have open space value for retaining large parcel sizes, in support of large acreage homesites for hobby farming or ranching, but are not feasible for commercial agriculture.
- b. Areas of older subdivisions with an average parcel size of 19 acres or less that are located three miles or more from urban reserve lines.
- c. Areas outside urban and village areas with existing land uses including limited agriculture, mining and quarry operations, public and private recreation areas, occasional rural residences and vacation cabins, and watershed, wildlife and open space uses.
- d. Areas where rural residences are the primary use of the land, but where agriculture and other compatible uses such as hunting clubs, dude ranches, etc., may be found or located.
- e. Areas with soils of poorer quality than in agricultural areas; vegetation consisting of grasses, woodlands, chaparral and brush which constitute a high or extreme fire hazard potential.
- f. Areas where parcel sizes are sufficiently large enough to allow for the creation of at least one adequate building site and proper access to the site.
- g. Lands with localized portions of limited agricultural capability, which may nevertheless be eligible for Agricultural Preserve status because of their large parcel size if criteria of the adopted rules of procedure are satisfied.

## RESIDENTIAL RURAL

### Purpose

- a. To provide for residential development at a low density compatible with a rural character and life-style which maintains the character of the open countryside and is compatible with surrounding agricultural uses.
- b. To allow limited, compatible non-residential uses commensurate with rural parcel sizes.
- c. To emphasize residential uses in areas where agriculture is clearly a secondary use, or where agriculture is not feasible yet large open space areas are maintained as part of a residential life-style.
- d. To encourage agricultural and other open space uses as part-time or incidental "hobby" activities, such as horse raising or specialty farming.

### Character

- a. Areas of existing small-acreage parcels no more than three miles from urban reserve lines that are not commercially viable for agriculture, where the average parcel size within any contiguous area is below 19 acres.
- b. Areas that are outside of urban and village areas and connected to them by county-maintained roads, although exceptions may be observed for existing older subdivided areas.
- c. Areas with slopes generally less than 30%.
- d. Areas with marginal agricultural soils.
- e. Areas with a rural landscape high in visual quality (for example, woodlands, hills, rock formations, existing agriculture and ag accessory buildings) where clustering of allowed densities to less sensitive portions of a site is encouraged to be required through planning area standards.
- f. Areas generally free of fragile natural resources.
- g. Areas where growth will not be premature with respect to utility and public service capacities, or in conflict with agricultural, commercial, or industrial uses. Light agricultural uses are to be encouraged.
- h. Areas where horses and other similar farm animals are allowed accessory to residential uses.
- i. Areas where public services demands are limited, septic tanks and individual wells can suffice for required water and sewer capability.

## 22.22.040 - Agriculture Category

This Section contains three methods for determining minimum parcel size in the Agriculture land use category. Each proposed parcel must be able to qualify for the requested minimum parcel size using all tests within Subsections B. or C. The applicant will disclose as part of the application which Subsection (either B or C) is being used to determine the minimum parcel size for each of the proposed parcels. If the parcel is under agriculture preserve contract, Subsection D. applies.

- A. **Purpose.** The purpose of this Section is to establish a set of regulations applicable to the division of land within the Agriculture land use category. In addition to complying with the standards set forth in this Section and all applicable policies of the general plan, proposed land divisions shall be specifically evaluated for consistency with the policies of the Agriculture and Open Space Element as follows:
  1. **Agricultural land divisions.**
    - a. Where a division of agricultural lands is proposed, a cluster division where homes are clustered in a compact manner which reduces the agricultural/residential interface, is an alternative to a conventional "lot split" land division.
    - b. Where a division is proposed, the proposed parcels should be of adequate size and design to ensure the long term protection of agricultural resources.
  2. **Minimum parcel size criteria for the division of Agricultural lands.** Minimum parcel sizes for the proposed division of land designated Agriculture shall be based upon either the existing or potential use of the land for cropland and grazing.
  3. **Discretionary approval.** The approval of a land division is discretionary and a parcel size larger than the minimum designated in the following Subsections may be required to ensure agricultural capability in accordance with the provisions of the adopted Agriculture and Open Space Element of the general plan.
- B. **Size based upon existing use.** Where a legal lot of record is developed with agricultural uses at the time of application for land division, the minimum size for a new parcel shall be the largest area determined by the following tests:
  1. **Use test.** The minimum size for new parcels with existing agricultural uses shall be based on the type of existing agricultural use, as follows. Where a site contains more than one agricultural use, each new parcel shall satisfy the minimum parcel size for the qualifying agricultural land use.

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a. Crop production:

| Agricultural Land Use   | Minimum Parcel Size  |
|---|--|
| <u>Irrigated</u> row crops, specialty crops, nurseries, field crops, orchards and vineyards (examples: vegetables, strawberries, cut flowers and flower seed, avocados, kiwi, other fruits and nuts, wine grapes)   | 40 acres;<br>except parcels may be as small as 20 acres as provided in Subsection b. |
| <u>Irrigated</u> pasture, grain and hay (examples: alfalfa, irrigated grain and hay) and Dry Farm orchards, vineyards   | 40 acres <sup>1</sup> (80 acres) <sup>1</sup>  |
| <u>Dry Farm</u> field crops (examples: beans, specialty field crops) and grain and hay (examples: barley, wheat, oats, hay)   | 160 acres  |
| <u>Grazing</u>  | 320 acres  |
| Notes:<br>1. A larger minimum parcel size (80 acres) may be required where that parcel size will ensure agricultural capability in accordance with the provisions of the Agriculture Preserve Rules of Procedure and the adopted Agriculture and Open Space Element of the general plan |  |

b. **Proposed parcel size.** Proposed parcels less than 40 acres, but no smaller than 20 acres, may be proposed if all of the following criteria are met for each proposed parcel:

- (1) the proposed parcels must be Class I or II soils irrigated, or other soils listed as prime by NRCS;
- (2) there must be at least 18 acres or 90 percent of the acreage of the total site, whichever is larger, planted in irrigated row crops, specialty crops, field crops, orchards or vineyards (as defined in the preceding Table);
- (3) there must be a production water source currently installed;
- (4) that prior to or concurrent with recordation of a final or parcel map, the applicant shall execute and record a declaration of restrictions in a form approved by County Counsel, wherein the owner(s) agrees on their behalf and all successors in interest to the parcel that, unless a Land Use Element amendment is first approved to change the classification of the site to a land use category other than Agriculture, approval or establishment of more than one residential use (other than farm support quarters) on the parcel will not be requested and cannot be approved. The declaration of restrictions shall not be amended or terminated without the prior approval of the Board; and
- (5) the resulting parcels must enter into a Williamson Act agricultural preserve contract in accordance with the county Rules of Procedure. Separate sale of parcels of record must be in compliance with Table 1 of the Agriculture Preserve Rules of Procedure.

- c. **Agricultural processing.** The minimum size for a new parcel with established agricultural processing facilities and structures shall be 20 acres on sites with soils having a Natural Resource Conservation Service (NRCS) classification of I, II or III, and 5 acres on soils with an NRCS classification of IV through VII, provided that any parcel approved with less than 20 acres shall be subject to the requirements of this Subsection. The creation of parcels smaller than 20 acres shall not be allowed on properties subject to agricultural preserve contract.

1. **Application content.** The land division application shall be accompanied by a statement from the applicant explaining why it is necessary to segregate the existing agricultural processing facility from the surrounding ownership, and how such segregation will support the intensification of agricultural use on the remainder of the property.
2. **Residential use prohibited.** No residential use shall be established on a parcel approved for an agricultural processing facility with less than 20 acres.
3. **Declaration of restrictions required.** Prior to or concurrent with recordation of a final or parcel map, the applicant shall execute and record a declaration of restrictions in a form approved by County Counsel, wherein an agreement is made on behalf of the current owner(s) and all successors in interest to the parcel that, unless a Land Use Element amendment is first approved to change the classification of the site to a land use category other than Agriculture, no request for approval a residential use on the parcel will be filed, and no residential use will be established on the parcel. The declaration of restrictions shall not be amended or terminated without the prior approval of the Board.
4. **Required findings.** No parcel smaller than 20 acres shall be approved in compliance with this Section unless the Board first finds that the proposed parcel being smaller than surrounding agricultural holdings will have no adverse effect on the continuing agricultural use of parcels adjacent to and in the vicinity of the site, and that the applicant has demonstrated the capability of the agricultural processing use.
5. **Change of use.** After approval of a parcel smaller than 20 acres in compliance with this Section, Conditional Use Permit shall be required to authorize any change of the use that justified the small parcel to another use.

- C. **Size based upon land capability.** Where a legal lot of record in the Agriculture category is not developed with an agricultural use at the time of application for land division, or where an applicant chooses this Subsection as the basis for determining allowable minimum parcel size, the minimum area for each new parcel is the largest determined by the following test:



1. **Land capability test.** The minimum parcel size for new parcels shall be based on the Natural Resources Conservation Service (NRCS) classification, as set forth in the following table. Where a site contains more than one soil classification, each new parcel shall satisfy the minimum parcel size for the qualifying NRCS classification.

| NRCS Classification <sup>1</sup>  | Minimum Parcel Size                           |               |
|---|---|---------------|
|   | Irrigated <sup>1</sup>                        | Non-irrigated |
| Class I or II   | 20 acres <sup>2</sup>                         | N/A           |
| Class III or IV   | 40 acres <sup>3</sup> (80 acres) <sup>3</sup> | 160 acres     |
| Class VI, VII or VIII   | 320 acres                                     | 320 acres     |
| Notes:<br>1. Irrigated - as defined in the Agriculture and Open Space Element (Appendix G-8) using an installed production water source from underlying ground water basins, permitted, riparian or other appropriative water rights that would deliver adequate, reliable water.<br>2. Proposed parcels may be as small as 20 acres if planted and if all of the criteria in Subsection B.1.b. are met. If the criteria in Subsection B.1.b are not satisfied, a minimum parcel size of at least 40 acres shall be required.<br>3. A larger minimum parcel size (80 acres) may be required where that parcel size will ensure agricultural capability in accordance with the provisions of the Agriculture Preserve Rules of Procedure and the adopted Agriculture and Open Space Element of the general plan. |   |               |

- D. **Size based on agricultural preserves.** Where a legal lot of record in the Agriculture category is under Williamson Act agricultural preserve contract, the minimum parcel size is based on Subsections B and C, unless a larger minimum parcel size is specified in the terms of an existing Williamson Act agricultural preserve contract.
- E. **Declaration of restrictions required.** For any land divisions in the Agriculture land use category, prior to or concurrent with recordation of a final or parcel map, the applicant shall execute and record a declaration of restrictions in a form approved by County Counsel, wherein he agrees on behalf of himself and all successors in interest to the parcel that the property is within the Agriculture land use category and the county has adopted a "Right to Farm Ordinance" that protects agricultural operations. The declaration of restrictions shall not be amended or terminated without the prior approval of the Board.

## 22.22.050 - Rural Lands Category

The minimum parcel size for new lots in the Rural Lands category is based upon site features including: remoteness, fire hazard and response time, access and slope. Minimum parcel size is determined by applying the following tests to the site features as described in Subsections A. through D. The allowable minimum size is the ***largest area*** obtained from any of the tests, except as provided for cluster divisions by Section 22.22.140.

- A. Remoteness test.** The minimum parcel size shall be based upon the distance of the parcel proposed for division from the nearest urban or village reserve line. Such distance shall be measured on the shortest public road route between the reserve line and the site. Private roads shall be included in such measurements only when they provide the only access to the site from a public road. When a lot proposed for division is within the distances given from more than one reserve line, the smallest parcel size shall be used as the result of this test.

| Distance (Road Miles)   |                           | Minimum Parcel Size |
|-------------------------|---------------------------|---------------------|
| From Urban Reserve Line | From Village Reserve Line |                     |
| 26+                     | 16+                       | 320 Acres           |
| 21-25                   | 11-15                     | 160 Acres           |
| 16-20                   | 6-10                      | 80 Acres            |
| 11-15                   | 0-5                       | 40 Acres            |
| 0-10                    | N.A.                      | 20 Acres            |

- B. Fire hazard/response time test.** The minimum parcel size shall be based on the degree of fire hazard in the site vicinity, and the response time. Response time is the time necessary for a fire protection agency to receive the call, prepare personnel and fire equipment for response, dispatch appropriate equipment, and deliver the equipment and personnel to each proposed parcel from the nearest non-seasonal fire station. Fire hazard is defined by the Safety Element of the General Plan; response time is determined by the fire protection agency having jurisdiction.

| Response Time (1)    | Minimum Parcel Size |                 |
|----------------------|---------------------|-----------------|
|                      | Moderate Hazard (2) | High Hazard (3) |
| 15 Minutes or Less   | 20 Acres            | 20 Acres        |
| More than 15 Minutes | 20 Acres            | 160 Acres       |

**Notes:**

- (1) Determined by applicable fire protection agency.
- (2) As defined by the Safety Element.
- (3) Includes the high and very high fire hazard areas of the Safety Element.

C. **Access test.**

1. **General access test rules.** The minimum parcel size is based upon the type of road access to the parcel proposed for division, provided that the proposed parcels will use the road considered in this test for access, either by way of individual or common driveways. Where access to a parcel is over roadways with differing quality of improvement, the minimum size is as required for the road with the least improvement.
2. **Timing of improvements and right-of-way availability.** If the improvements do not exist at the time of the subdivision application, the conditions of approval for the tentative map shall require the construction of access improvements which meet the minimum requirements specified by this Section. Additional right-of-way width may be required to allow for the construction of required improvements. The right-of-way required by the table in Subsection C.4 shall exist as either: (1) an offer to dedicate to the public or (2) as a private easement prior to acceptance of the tentative map application for processing. If the access is a private easement, it may be required to be offered for dedication to the public as a condition of approval of the tentative map.
3. **Conditions of approval for improvements and maintenance.** In the event that a land division application is approved, the extent of on-site and off-site road improvements required as a condition of approval, and acceptance of the new road for maintenance by the county may vary. This will depend on the parcel size proposed and the requirements of county standards and specifications in effect at the time the tentative map is approved. Paved roads will be required when:
  - a. The access road is identified as a collector or arterial by the Circulation or Land Use Element; or
  - b. The road will have the potential to serve 20 or more lots or the road will have the potential to experience a traffic volume of 100 or more average daily trips (ADT), based on the capability for future land divisions and development in the site vicinity as determined by the Land Use Element. In the event it is determined by staff that a road will serve 20 or more lots, or will experience 100 ADT or more, the basis for such a determination shall be explained in the staff report on the subdivision.

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4. **Parcel size criteria.** Minimum parcel size based on the access test shall be determined as shown in the following table (an existing road which is improved to higher standards than those specified in the table will also satisfy the following criteria).

| Minimum Parcel Size | Access Standards                   |                                 |                           |
|---------------------|------------------------------------|---------------------------------|---------------------------|
|                     | Right-of-Way                       | Surfacing                       | Maintenance               |
| 320 Acres           | Private easement (3)               | Improved access (3)             | Private maintenance       |
| 160 Acres           | Private easement (3)               | All weather road (2)            | Private maintenance       |
| 80 Acres            | Minimum 40 foot ROW to county road | All weather road (2)            | Private maintenance       |
| 40 Acres            | Minimum 40 foot ROW to county road | County standard gravel road (1) | Organized maintenance (2) |
| 20 Acres            | Minimum 40 foot ROW to county road | County standard gravel road (1) | Organized maintenance (2) |

**Notes:**

- (1) A County Standard Gravel Road is a road that satisfies or has been constructed to meet the specifications for a gravel road set forth in the county's "Standard Specifications and Drawings."
- (2) An All-Weather Road is a road which can provide year-round access without interruption along a public road that has been established for or is utilized by the public. Organized maintenance is by an organized group of property owners through an association which collects fees and contracts for repairs.
- (3) An improved access road is a road which is passable but may be subject to closure during certain times of the year. A private easement is a road that is not open to the public.

- D. **Slope test.** Site slope shall be measured as defined in Article 8 (Definitions - Slope).

| Average Slope | Minimum Parcel Size |                |
|---------------|---------------------|----------------|
|               | Outside GSA         | Inside GSA (1) |
| over 30%      | 80 acres            | 160 acres      |
| 0 - 30%       | 20 acres            | 80 acres       |

**Notes:**

- (1) Geologic Study Area combining designation.

## 22.22.060 - Residential Rural Category

The minimum parcel size for new lots in the Residential Rural category is based upon site features including: Remoteness, fire hazard, fire response time, access and slope. Minimum parcel size is determined by applying the following tests to the site features as described in Subsections A. through D. The allowable minimum size is the **largest area** obtained from any of the tests, except as provided for cluster divisions by Section 22.22.140.

- A. Remoteness test.** The minimum parcel size shall be based upon the distance of the parcel proposed for division from the nearest urban or village reserve line, measured on the shortest public road route between the reserve line and the site. Private roads shall be included in the measurement only when they provide the only access to the site from a public road. When a lot proposed for division is within the distances given from more than one reserve line, the smallest parcel size shall be used as the result of this test.

| Distance (Road Miles)   |                           | Minimum Parcel Size |
|-------------------------|---------------------------|---------------------|
| From Urban Reserve Line | From Village Reserve Line |                     |
| 10+                     | 5+                        | 20 acres            |
| 5-10                    | 0-5                       | 10 acres            |
| 0-5                     | N.A.                      | 5 acres             |

- B. Fire hazard/response time test.** The minimum parcel size shall be based on the degree of fire hazard in the site vicinity, and the response time. Response time is the time necessary for a fire protection agency to receive the call, prepare personnel and fire equipment for response, dispatch appropriate equipment, and deliver the equipment and personnel to each proposed parcel from the nearest non-seasonal fire station. Fire hazard is defined by the Safety Element of the General Plan; response time is determined by the fire protection agency having jurisdiction.

| Response Time (1)    | Minimum Parcel Size |                 |
|----------------------|---------------------|-----------------|
|                      | Moderate Hazard (2) | High Hazard (3) |
| 15 Minutes or Less   | 5 acres             | 5 acres         |
| More than 15 Minutes | 10 acres            | 20 acres        |

**Notes:**

- (1) Determined by applicable fire protection agency.
- (2) As defined by the Safety Element.
- (3) Includes the high and very high fire hazard areas of the Safety Element.

C. **Access test.**

1. **General access test rules.** The minimum parcel size is based upon the type of road access to the parcel proposed for division, provided that the proposed parcels will use the road considered in this test for access, either by way of individual or common driveways. Where access to a parcel is over roadways with differing quality of improvement, the minimum size is as required for the road with the least improvement.
2. **Timing of improvements and right-of-way availability.** If the improvements do not exist at the time of the subdivision application, the conditions of approval for the tentative map shall require the construction of access improvements which meet the minimum requirements specified by this Section. Additional right-of-way width may be required to allow for the construction of required improvements. The right-of-way required by the table in Subsection C.4 shall exist as either: (1) an offer to dedicate to the public or (2) as a private easement prior to acceptance of the tentative map application for processing. If the access is a private easement, it may be required to be offered for dedication to the public as a condition of approval of the tentative map.
3. **Conditions of approval for improvements and maintenance.** In the event that a land division application is approved, the extent of on-site and off-site road improvements required as a condition and approval, and acceptance of the new road for maintenance by the county may vary. This will depend on the parcel size proposed and the requirements of county standards and specifications in effect at the time the tentative map is approved. Paved roads will be required when:
  - a. Parcels of less than five acres are proposed; the access road is identified as a collector or arterial by the Circulation or Land Use Element; or
  - b. The road will have the potential to serve 20 or more lots or the road will have the potential to experience a traffic volume of 100 or more average daily trips (ADT), based on the capability for future land divisions and development in the site vicinity as determined by the Land Use Element. In the event it is determined by staff that a road will serve 20 or more lots, or will experience 100 ADT or more, the basis for such a determination shall be explained in the staff report on the subdivision.

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4. **Parcel size criteria.** Minimum parcel size based on the access test shall be determined as shown in the following table (an existing road which is improved to higher standards than those specified in the table will also satisfy the following criteria).

| Minimum Parcel Size | Access Standards                   |                                      |  |
|---------------------|------------------------------------|--------------------------------------|--|
|                     | Right-of-Way                       | Surfacing                            | Maintenance                              |
| 20 Acres            | Minimum 40 foot ROW to county road | County standard gravel road (Note 1) | Organized maintenance (Note 2)           |
| 10 Acres            | Minimum 40 foot ROW to county road | County standard gravel road (Note 1) | Organized or public maintenance (Note 2) |
| 5 Acres             | Minimum 40 foot ROW to county road | County standard gravel road (Note 1) | Organized or public maintenance (Note 2) |

**Notes:**

- (1) A County Standard Gravel Road is a road that satisfies or has been constructed to meet the specifications for a gravel road set forth in the county's "Standard Specifications and Drawings." Public maintenance means that the road is maintained by the state, county, or special district.
- (2) Organized maintenance is by an organized group of property owners through an association which collects fees and contracts for repairs.

- D. **Slope test.** Site slope shall be measured as defined in Article 8 (Definitions - Slope).

| Average Slope | Minimum Parcel Size |                |
|---------------|---------------------|----------------|
|               | Outside GSA         | Inside GSA (1) |
| Over 30%      | 10 Acres            | 20 Acres       |
| 16-30%        | 7 Acres             | 10 Acres       |
| 0-15%         | 5 Acres             | 5 Acres        |

**Notes:**

- (1) Geologic Study Area combining designation.